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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,595	12/05/2001	Larry Morrow	107793-00001	3405

7590 01/22/2007
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EXAMINER

LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/006,595

Applicant(s)

MORROW, LARRY

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/03/06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-17 and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitations “provide a royalty to the Business organization as a function of the subscriber purchases” are not disclosed in the specification. Applicant is required to point out the exact column and lines where this limitation is disclosed. Applicant has mentioned that support for this invention is shown in fig. 5 of the specification but the Examiner has found no evidence of such support. Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondy (US 2003/0046147 A1) in view of Goldberg (US 2001/0047737 A1).

As per claims 1, 16 and 17, Bondy discloses a business system comprising: a business organization (electronic store hyperlinked or electronic retailing system; page 2, [0021], lines 3-4); a first Affinity partner having subscribers and having a customizable platform remote from the business organization (see fig. 9); a plurality of e-tailers remote from the first Affinity partner each enabled to identify a purchasing said subscriber, provide a good or a service for purchase to the subscriber (page 2, [0023], lines 1-6; fig. 9, A, B, C), Bondy does not explicitly disclose a royalty payment but Goldberg discloses a system that provides a royalty to the business organization as a function of the subscriber purchases and wherein the business organization is enabled to receive the royalty from the e-tailer when the subscriber directly makes a purchase from the e-tailer (page 4, [0052]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system of royalty payment as taught by Goldberg into the system of Bondy because it would provide a sure way of getting a royalty payment for the e-tailer and at the same time improve the need for a communication service that selectively provides Affinity groups services to select subscribers.

As per claim 2, Bondy discloses a system wherein the affiliate organization is enabled to provide a royalty (commission generating module 14e) back to the core business as a function of the purchases made by the members with the affiliate organization provider (page 4, [0037], lines 1-11).

As per claim 3, Bondy discloses a business system further comprising a second Affinity partner that is electronically associated with and is subset of the first affinity (fig. 1).

As per claim 4, Bondy discloses a business system wherein the customizable purchasing platform is configured such that the member of the second affinity partner can access a web site associated with the customizable platform (fig. 1, 12).

As per claim 5, Bondy discloses a business system wherein the web site is configured such that the member of the second Affinity partner accesses the web site associated with customizable purchasing platform, the web site appears to be a web site of the first Affinity or the second Affinity partner as claimed (see fig. 1).

As per claim 6, Bondy discloses a business system wherein the affiliate organization providers ship the purchased goods or services directly to the purchasing members as claimed (page 4, [0035], lines 20-23).

As per claim 7, Bondy further discloses a business system wherein the customizable purchasing platform electronically links the first Affinity partner to a web page of the affiliate organization provider by: storing a web page template; customizing the template to create a first Affinity partner or a second Affinity partner web page; and displaying the first Affinity partner or the second Affinity partner web page to the member when the member accesses the purchasing platform (page 2, [0023], lines 12-22, [0026], lines 1-9, fig. 2).

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As per claim 8, Bondy discloses a business system wherein the member accesses the affiliate organization provider web page via a click-through from a web page associated with the first and second Affinity Partner (page 2, [0026], lines 9-13).

As per claim 9, Bondy discloses a business system a business system wherein the core business is enabled such that no funds transferred from the member to the organization provider are handled by the core business (page 1, [0007], lines 11-13).

6. Claims 10-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondy (US 2003/0046147 A1) in view of Goldberg (US 2001/0047737 A1) and further in view of Dicks et al (US 2002/0007334 A1).

As per claims 10, 11 and 19, neither Bondy nor Goldberg teaches a system wherein the first and secondary affinity partners receive a stock option in the core business but Dicks discloses a stock option in a business auction.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system of royalty payment as taught by Goldberg into the system of Bondy because it would provide a sure way of getting a royalty payment for the e-tailer and at the same time improve the need for a communication service that selectively provides Affinity groups services to select subscribers. It would have been obvious to one of ordinary skill in the art to utilize the stock option as taught by Dicks into the combined systems of Bondy and Goldberg because it would allow the Affinity partners to have a portion of the profits made therefore sharing the revenue.

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As per claims 12-15 and 20, neither Bondy nor Goldberg teaches distributing the profits among the partners as a function of a volume of purchases made by the second Affinity partner members via the core business but Dicks et al teach profits or fees sharing between the broker party and non-broker party from the brokerage service in various ways.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system of royalty payment as taught by Goldberg into the system of Bondy because it would provide a sure way of getting a royalty payment for the e-tailer and at the same time improve the need for a communication service that selectively provides Affinity groups services to select subscribers. It would have been obvious to one of ordinary skill in the art to utilize the fees or profits sharing as taught by Dicks et al into the system of Bondy because it would provide a financially stable environment for both parties knowing that the profits will be distributed among them.

Response to Arguments

7. Applicant's arguments with respect to claims 1-17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

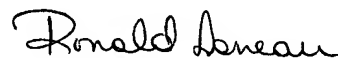
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau
Primary Examiner
Art Unit 3714

1/9/06

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